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Civil Society at the Crossroads in Southeast Asia¹

Johannes Dragsbaek Schmidt²

The costly and work-discouraging welfare apparatus in the West is beginning to strike “at the authority of the democratic system.” OECD 1994; for too long Western rights advocates have tended to equate social progress with the growth of a welfare state, measuring commitment by gross social spending.³

There is no such thing as society, only individuals and their families.

(Margaret Thatcher)

With the end of the Cold War, civil society together with democracy and the market became the new global denominators for neo-liberal change and more or less a panacea for virtually all the problems in both South and North: “In the world of ideas, civil society is hot. It is almost impossible to read an article on foreign or domestic policy without coming across some mention of the concept.”⁴ The sentiments of euphoria about civil society were almost omnipresent at the new international ideological agenda in most cases presented as a new type of ‘anti-politics’: It became part and parcel of the doublespeak intended to impose a mental and ideological colonization of the world by introducing new categories intended to present a harmonious world and depoliticise social change.⁵ Aiding in the rise in popularity of civil society was the movement from authoritarian to more democratic regime forms all over the globe. This was observable not only in the former Soviet-type socialist societies, but also in Taiwan, South Korea, Brazil, and Central America. In almost all of sub-Saharan Africa where unions, women’s organizations, student groups and other forms of popular activism provided the empirical foundation for stirring accounts of the role played by resurgent and often rebellious civil societies in triggering the demise of many forms of dictatorship.⁶ These transformations, in turn, encouraged the rise of the alluring but problematic notion that if an invigorated civil society could force a democratic transition, it could consolidate democracy as well,⁷ and this gave renewed prominence to the view that democracy is good for development and may be a casual factor in its own right.

In Southeast Asia, the situation was a bit different although some authoritarian regimes like Indonesia collapsed in conjunction with the aftermath of the financial crisis but on the other hand it seems that the dictatorship in Myanmar and one-party rule in Vietnam, and Laos are experiencing only gradual or virtually no sign of opening up access to other political forces’ potential influence on decision-making and the political system in general. The region is

composed of a diverse mosaic of various types of regimes and might together with China and North Korea be considered one of the last strongholds of non-democratic political systems although with important variations between what some scholars refer to as soft authoritarianism (Singapore, Malaysia and Indonesia) to full-fledged democracies, Westminster style or American style, in Thailand and the Philippines, respectively. The overall benchmark of the political evolution of the region in the past two or three decades show that the situation is fluid and could change tomorrow!

Strong government vested with the responsibility of upholding collective needs, an absence of many liberal democratic practices, and longevity of political elites seems to be the norm. Singapore, for example, has been ruled by the People's Action Party since independence, and under the leadership of Lee Kuan Yew between 1959 and 1990. The ruling Golkar party of Indonesia, with the support of the military, won all elections since 1975 until the Suharto regime was toppled in 1997. A similar longevity of power has been experienced by the United Malays National Organization in Malaysia, and even the recruitment of the elite in Thailand has come from the same circles and the recent harsh anti-democratic measures by the Thaksin government are signs of a renewal of autocratic policies.⁸

Even if societies are legally considered democratic there has not been complete freedom for opposition parties, freedom of speech, a separation of powers, or civil and political rights.⁹ In societies where the emphasis is upon consensus and harmony, especially as an ideologically legitimising device with reference to economic growth, it has proved possible to deem opposition as subversive. Cultural values have been a tool to control dissent and the role of civil society has been curtailed to marginalisation. It has been widely argued by some Asian leaders that free market development precedes democracy and civil rights, as indeed it did in the West.

The rethorics about Asian values,¹⁰ which temporarily seemed to fade away in the aftermath of the financial crisis, are being recycled to legitimize authoritarian tendencies for instance in relation to the so-called war on terror. Former PM of Malaysia, Mahathir referred already in 1996 to the debate for being defensive in nature, and then actually reinforced it by declaring: "It was right and about time that Asia too was accorded the regard and high esteem that was its due." He went on to say, "that there was a belief among many in the West that their values and beliefs were universal; that the advocates and champions of Asian values were merely justifying oppression, dictatorship and uncivilized behaviour."¹¹ This was reinforced in late summer 2001 with reference to the infamous Internal Security Act (ISA), when the Malaysian police arrested 10 members of the Kumpulan Mujahiddeen Malaysia (KMM).

They were accused of having links to the Taliban regime in Afghanistan and to have connections in Ambon, Indonesia, where they were said to be fighting with local militants. “The fact that six of the detainees were also members of PAS was utilized as evidence against the biggest opposition party, in an attempt to unveil its hidden and subversive political agenda.”¹²

However, “the people whose political and other rights are involved in this debate are not citizens of the West, but of Asian countries. The fact that individual liberty may have been championed in Western writings, and even by some Western political leaders, can scarcely compromise the claim to liberty that people in Asia may otherwise possess.”¹³ What is important here is the strange alliance between the supporters of Asian values and conservatives in the West which implies a convergence between the illiberal social agenda of the post-Washington consensus and the specific type of benevolent autocracy which seemingly has been reinvented as a response to ‘terror’. The re-emergence of authoritarian practices in the region might prove to have serious consequences for NGOs, labour and social movements.

This paper examines the debate about civil society in a comparative political economy perspective.¹⁴ Its main approach relies on two inspirations: One is the famous assertion by Karl Polanyi that markets do not evolve organically but are instead the creations of vested interests.¹⁵ Another is the assertion by Karl Marx, “that free competition is the final form of the development of productive forces, and thus of human freedom, means only that the domination of the middle class is the end of the worlds history - of course quite pleasant thought for yesterdays parvenus.”¹⁶ The first part focuses on the competing theoretical definitions and assumptions about civil society, democratization and social change; the second part explores the attempts by civil society actors to impact conflicts over resources and distribution of welfare in Southeast Asia; the third section focuses on the conflictual relationship between civil society organizations (CSOs)¹⁷ and the state and various types of regulations, laws and contractual relationships, and finally the need for social reform is emphasized as one important type of social resistance against the downsizing of the social and public sector’s provision of collective goods.

Linking civil society, democratization and social change

Civil society and democratization are often presented by liberal theorists as a separate positive category opposing dictatorship and protectionist markets. However, the distinction of state/market/civil society is implausible. The market is constructed and constrained by the state and the civil society. The state is a reflection of both the market and the civil society. And the civil society is

defined by the state and the market. One cannot separate these three modes of expression of actors' interests, preferences, identities, and wills into closed arenas about which different groups of people will make scientific statements. There are no clear demarcations between the three analytical categories on the contrary there are clear overlaps and it is in the borderlands between the three that conflict occurs.

However, the concepts of civil society and democratization are also the history of social meaning in practice. It has been the history of the social invention, both at a scholarly level but also in practice, of the twin concepts as a continual process and of the modification over time of what civil society and democratization means. In some cases ideas about civil society are being used for specific goals, as clearly demonstrated in the post-Cold War anti-politics device accomplished by the IFIs and the Washington consensus,¹⁸ but also by the launching of the anti-globalization movement where there have been tendencies to lump together all segments of society and organizations into one category as long as they resist globalization.

Scholars differ considerably in their assessments and ideas of the forms and extent of civil society's influence in politics and economic policy-making, but it is clear that in one way or another civil society matter. They also seem to differ in their conceptualizations and theorizing about the location of civil society in broader social analysis and how to define and distinguish civil society from market-based actors and state related institutions.

To be sure, confusion about the precise meaning of civil society is part of the allure and lore of the concept's long history.¹⁹ Over the years, philosophers as diverse as Ferguson, Tocqueville, and Gramsci have appropriated the concept of civil society to articulate particular points of view about the relationship between state and society.²⁰ It is possible to trace its origins back to the philosophical writings of political economists like Locke and Hegel and also more contemporary scholars like Gellner and Habermas.

It has been suggested to divide present day thought on civil society into four competing views: The associational school, the regime school, the neo-liberal school, and the post-Marxist school.²¹

The associational school's definition of civil society refers to "that arena where manifold social movements ... and civic organizations from all classes ... attempt to constitute themselves in an ensemble of arrangements so that they can express themselves and advance their interests."²² This is inspired by Tocqueville as it indicates a growing consensus among scholars about civil society as part of democratization but understood as a conflictual process. The definition also

deviates from the classical liberal notion by either assuming or hiding much that we will have to explain or uncover by portraying civil society as a highly politicized space occupied by actors from all social classes. “The gulf that separates classical liberal and modern notions of civil society suggests that one must make choices in defining and deploying the term, especially when it comes to integrating it into actual policy making.”²³

Critics from the regime school who draw inspiration from Locke and the neo-liberal angle, however, making civil society synonymous only with moralizing civilised organizations, debate the concept by stripping it of its analytical utility. Equating civil society with high-minded groups renders the concept a theological notion, not an analytical category. On this background the concept automatically includes the mafia, the triads, and semi-fascist movements who then would belong to civil society, since they also seek to advance citizens’ values. To further complicate the picture we could also include: tribal and kinship groups, name groups (as with the Chinese), guru-oriented groups, and traditional secret societies.²⁴ Take also a number of Islamic groups who reject the rule of law and support violence²⁵ or the movement who supported former President Estrada’s return to power in Manila by trying to takeover the Malacanang presidential palace unmasked “the dark side, the dark twin” of the much-vaunted Philippine-style ‘people power’ which had earlier inspired democratic political movements around the world. The protests, which some analysts say brought the Philippines to the brink of civil war, prompted Arroyo on May 1 to declare a ‘state of rebellion’.²⁶

On this background it seems that both liberal and conservative writers on civil society who see civil society as a non-political zone of social intercourse based in the free market and dominated by the bourgeoisie have failed to provide an adequate account of how poverty and the welfare state affect civic and political engagement and their argument that economic freedom automatically produces democracy and prosperity has not been empirically verified. The experience from East and Southeast Asia suggests that a weak civil society in many cases was a precondition for the insulated developmental state and the concomitant high economic growth. The neo-liberal version of civil society, and social capital for that matter, fails to address properly either capital or the social, and it tends to set aside issues of power and conflict.²⁷ There is furthermore a tendency in the literature to romanticize civil society as the ideal on behalf of its counterpart the state and this relationship is often presented as a zero-sum game.

The problems inherent in post-Marxist notions of civil society are not that different from the critique of the neo-liberal theorists. Many scholars have tended to see economic growth and development as a precondition for a vibrant civil society and democracy. There are significant exceptions in the writings of

Gramsci who introduced the concept of hegemony and who saw civil society as a sphere occupied by struggle for material, ideological and cultural control over all of society, including the state. Therefore passive or moral resistance becomes an inherent part of civil society's battle for and against capitalism. What matters are ideology, power, political and legal institutions.

It leaves us with a number of interesting conclusions. First of all, whatever the relationship between democratization and civil society it remains a contextual and empirical issue to judge its potential impact on the polity and also whether it might be able to mobilise resources that the state is unable to do. Second, it can co-exist with authoritarian state structures and also can or cannot be an impediment for the development of markets. Third,²⁸ the 'global demand for democratization' emanating from civil society is an inescapable part of popular discourses and not *a specific European phenomenon or invention exported by the West*. This popular demand for citizens rights is not only related to the state and its institutions, nor is it simply a demand for the rights to organize in trade unions, to strike, or a matter of gender equality, but part of a global discursive process directed towards a more egalitarian distribution of resources. It is: "the organized efforts to increase control over resources and regulative institutions on the part of groups and movements of those hitherto excluded from such control,"²⁹ and "(a) belief that democratic ideas and practices can only in the long run be protected if their hold on our political, social and economic life is deepened."³⁰ Fourth, the question about civil society and democratization is not only related to national citizens or civil rights, but also to the question about autonomous representation. In the end, this cannot be reduced to a purely legalistic issue, although as will be shown below civil society is always legally sanctioned by the state, but must be put in conjunction with the legitimacy devoted to the rights of civil society organizations to engage in political activity.

Throughout history "the present almost universal and inclusionary concept of citizens' rights was only brought about through pressure and agitation by and on behalf of those who were initially excluded or marginalized from the territorial political community."³¹ Therefore efforts at social 'levelling' will be met with stiff resistance, even if attempted through democratic institutions. This is the theme of one seminal work on the ebb and flow of political opposition in Southeast Asia. The authors are conspicuous about the Left as a force which has been significant in "giving much momentum to the development of non-state political space."³² They furthermore makes the important point that civil society is not a new phenomenon but rather a historical product of political struggles mainly performed by leftist forces which were curtailed or blocked through the actions of repressive governments and military force. The following attempts to link these observations with the new social policy of the post-Washington consensus which deliberately "uses the liberal language of participation and

empowerment as a strategy of ‘anti-politics’ that marginalises political contestation. Unlike earlier governance programs identified with structural adjustment, this new governance discourse envisages a more active role for the state as a regulator for civil society seeking to promote the disciplines of the market.” With examples from the aftermath of the financial crisis in Thailand the maintenance approach developed by the IFIs was to devote a specific and strengthened role of civil society organizations and the ideological imperative as the pre-eminent measure to ameliorating the social impacts of crisis, along with ‘flexible’ labour markets.³³ It leaves us with the important question whether civil society is undermining the key functions and social responsibilities of the state in terms of delivering public collective goods. The fact that the IFIs policy of dumping social services to voluntary organizations means they should take over the work without a corresponding transfer of funding and the development of a mutual relationship with the state denotes a peculiar situation almost without any corresponding elaboration in theory.³⁴

These issues lead to the challenge of examining the intricate links between civil society, democratization and attempts to impact existing socio-economic policies on privatization of social sectors and deregulation of labour markets in Southeast Asia. In addition, the paper investigates the links between labour and civil society understood as the competing interests at stake and the coalescence of social forces forming around policy-making. In the end it is a struggle over societal control over resources as they are performed by “the locus of range of inequalities based on class, gender, ethnicity, race, and sexual preference.”³⁵

Civil society and its impact on socio-economic policy-making

It is not easy to encompass all of Southeast Asia as the region is extremely heterogeneous in terms of historical evolution, geographical size ranging from a small city-state to the fourth most populous country in the world; in historical perspective and accordingly each country’s colonial legacy, and not least its concomitant composition of the relationships between the state and civil society. Likewise, economic parameters denote a very diversified picture in terms of the region having a country belonging to OECD standards to some of the poorest societies in the world.³⁶

As a result of the reliance on export orientation for several decades the incorporation into the world market of capitalist countries in Southeast Asia has been extremely rapid although the financial crisis clearly illustrated the vulnerability of heavy dependency on external markets, actors and institutions. Together with the expansion of increasingly complex social structures the region has also experienced profound social inequalities, uneven development, and

poverty has increased to such an extent that there are both external and domestic pressures on the political system and economic policy-makers to take action.³⁷

This part of the paper is divided into five sections. The historical lack of a role for academia, critical theory and sociology in the region has played a decisive role in terms of the radicalization of social movements in the 1930s up to the 1960s and 1970s when the Left and social democratic forces finally were eliminated in tandem with the end of the Vietnam war and the influence of anti-communist laws and repression. The emergence of CSOs in the beginning of the 1970s and 80s must be understood in light of the end of the Cold War and the de-radicalization of the Left. Subsequently one can argue that civil society in non-socialist Southeast Asia emerged as a response to the decline of the old Left and the dissolution of 'real-existing socialism'. In a way, civil society has attempted in many cases to fill the gap where weak and repressed trade unions have been unable to gain major victories in terms of influencing the policy-making process. This highlights the necessity to focus on distributional issues and the links between formal unionism and labour activism on the one hand and CSOs on the other. The next part focuses on conflict and control over resources not only environmental, but also agrarian change and land ownership. Next comes the issue of injustice, political and human rights which are closely related to democratization and recently also the so-called war on terror. Finally, the section closes by examining how identity politics, ideology, ethnicity and gender related issues shape the new emerging NGOs and other movements and class representation in civil society.

That there is a close relation between the role of academia, intellectuals and not least students and the issues at stake in organizing civil society make it necessary to do a brief historical detour to explain the views of the scholarly community and critical studies on social change and civil society. The middle class, especially its intellectual and educated strata, has privileged access to the institutional bases of civil society and mobilization of popular forces in democratization which makes it necessary to understand their role.³⁸

In his seminal work on the role of sociology understood as the description, analysis and understanding of social relations King notes that, compared to other regions of the world, sociology in Southeast Asia has not in historical perspective been particularly extensive or distinguished.³⁹ Also Taylor and Turton note that the region is of outmost importance and is socially complex yet local contributions have lacked in their broader horizon and explanations.⁴⁰

Although the reasons might be pretty straightforward, as King mentions, war and conflict in Indo-China, and Burma/Myanmar, have limited access for foreign scholars and critical studies were almost nonexistent until recently,

where slowly it has become possible to gather data and do field work and collect empirical information. But also in capitalist Southeast Asian countries we had to wait until a few decades ago before critical commentary entered the agenda.⁴¹

As one of the mavericks of Southeast Asian studies noted in 1995, “It is a curious phenomenon, by no means limited to Southeast Asia, that as a system becomes successful and entrenched it also becomes more subject to question.”⁴²

This was exactly what happened as the situation changed considerably in the late 1990s and in the new millennium where there has been a virtual explosion in the expansion and diversification of civil society and also the academic community has become vigorous and engaged in terms of taking initiative and supporting the rise of new social movements and NGOs. “They are almost always based on educated and very often on university-connected cadres. These NGOs have generally aimed at establishing or supporting moral communities whose boundaries do not mirror those of the state apparatus, which is seen as a source of repression rather than the font of legitimacy. At one level, this is part of a transnational movement away from faith in the state, which is no longer seen as willing or able to safeguard basic social and economic concerns (as well of course, as a loss of faith in political parties as a source of remedy). At another level, the emergence of NGOs is a response to the failure of Southeast Asian states to dominate the vast changes over which they preside, and in particular to adjust to the rapid expansion and changing priorities of the middle classes. The current appreciation of the virtues of private over public ownership reflects the same attitude, however, different its social sympathies may be.”⁴³ Especially after the financial crisis in Thailand, the Philippines and Indonesia there are clear tendencies that social movements and NGOs have attempted to recreate an independent political space outside the reach of the state entities.

In connection to this it is important to stress that the old Left did have a relative strong intellectual base among students, and scholars and did receive moral and ideological support, and in many cases they even participated in the armed struggle, but there was a lack of pertinent and critical scholarship on a larger scale. The implication is that “the historical evidence contradicts the assumption that the development of civil society in capitalist societies is a progressive and incremental outcome of economic growth. Rather, civil society has ebbed and flowed in the region throughout this century.”⁴⁴ A similar thesis is raised by Deyo in his attempts to examine the role of working class organizations in historical perspective. Labour influence on economic politic, at least in Thailand, has been more important up to new political reforms and less influential in the institutionalisation phase.⁴⁵

That there are clear links between trade unions and civil society illustrates the point made above about the blurring lines between state, market and society. It has been possible for labour, even under authoritarian regimes, to influence

policy-making and implementation, “in many cases through community-based political mobilization only loosely linked to trade unionism. Labour’s oppositional potential became especially evident during interludes of political crisis and government transition”⁴⁶

Although they share a sceptical view of civil society Hutchison and Brown do ask the potent question: “What effects does the NGO involvement in the labour arena have on workers’ capacities to self-organise in the region?”⁴⁷ The answer varies from country to country, but in Indonesia NGOs can act outside the legal constraints applied to trade unions through legal advice, training and funding. What is of interest, however, is the involvement international NGOs, social movements and trade unions who in a number of cases have had a determining impact on issues related to labour in Southeast Asia. In the Philippines the KMU social movement unionism is an attempt to articulate commitment beyond narrow workers’ interests and devote attention toward social change at the societal level. This has been done through alliances with other sectors of society and international solidarity networks and touched upon a whole series of issues from campaigning against US bases, to resistance against the World Bank and the IMF conditionalities on Filipino economic policy-making, and strikes against the accompanying privatization and deregulation measures. It is safe to say that “while not all NGOs are politically radical, in Southeast Asia, many have experienced a degree of radicalization.”⁴⁸

In Thailand there are several examples of strong collaboration between labour and popular sector groups. In the private sector blue collar workers have been able to obtain very favourable agreements with the Ministry of Labour and Social Welfare for retrenched workers and improved severance pay legislation under the Labour Protection Act. Accordingly, as the consequences of the crisis unfolded, NGOs and academics have played an important in agitating for improved health and safety regulations especially for female workers. “In part too, academics and NGOs have helped to consolidate a more unified opposition to reforms, denationalization, and austerity. A case in point is the United Front to Return Privatization to the People to evoke a referendum on the Enterprise Corporations Act.”⁴⁹ There are also many examples of successful campaigns, at least indirectly, with external partners like ILO and INGOs but in other cases there are major disagreements on political vision and interests. For instance with regard to the issue of migrant labour where the NGOs traditionally uphold a supportive role while trade unions tend to see migrants as threats to wages and jobs.

The political influence of labour in the region has been and is still dependent on cross-sectional support in civil society for instance in Thailand it was primarily community activists who lobbied for improved health and safety regulations at

the workplace after the tragic fire at the Khader factory in 1995 where 188 workers lost their life.⁵⁰ One explanation for this is the weak level of labour organization and civil society is able to get access to the media or collaborate with foreign NGOs and thereby create pressure on the government.

In-house unionism in Malaysia, strongly encouraged by the Malay government, has not led to democratization of labour legislation in Malaysia but nevertheless in some cases workers in firms with in-house unions have enjoyed better work conditions than workers organized in national unions.⁵¹ The most important aspect of the popular sectors' interest in labour issues has been attempts to provide protection for migrant labour. There have been joint campaigns between the MTUC and several NGOs for a minimum wage, but similar to the Thai situation there are significant differences as well. There are instances where the trade unions have argued against the government's policy of keeping the door open for migrants, who number approximately one million mainly Indonesian workers, while NGOs are more defensive.

After years of human rights abuses and widespread corruption during the reign of the Suharto government, Indonesian unions are now playing a more active role. A diverse number of 67 independent national unions and NGOs across Indonesia launched a campaign to promote the ILO Declaration on Fundamental Principles and Rights at Work. At the national level, the trade union agenda has been dominated by the issue of law reform. More important than legislation is the ability of workers and their organizations to ensure that legislation is enforced. This in a country where the GNP has contracted by 50 percent, and being plagued with all sorts of communal violence. About 100 million people have been moved back into Third World level poverty after being drawn out of it during 30 years of growth. Furthermore the democratic transitions are controlled by the middle class and elite leaving very little room for influence of civil society and labour.

These instances of full trade union rights have yet to be realized, as most countries have not yet ratified the core Conventions of ILO. In the guise of so-called labour market flexibility, the security of the livelihood of workers is being threatened through contractualisation and sub-contracting and other innovations in working arrangements such as work sharing, individualized production quota and incentives systems as well as rotating contracts. Of all Southeast Asia, only the Philippines, Burma/Myanmar, and Indonesia ratified ILO Convention No. 87, which respect the right to self-organization. ILO Convention No. 98, which provide for the right to collective bargaining, was only ratified by Philippines, Indonesia, Malaysia and Singapore. Even as these ILO Conventions were ratified, the labour legislation is inadequate and in most cases circumvented to promote the interest of employers and the governments as well.

The role of civil society in terms of influencing social issues has as illustrated above in many cases led to increased social control. Labour and independent trade unions attempt to increase the proportion of collective goods to the benefits of workers and the poor have been met with outright suspicion at best but worse it has also led to repression or more sophisticated types of inclusion. “The institutionalized incorporation of labour into the structures of the state is now well advanced throughout the region, and the existence of independent labour organizations is everywhere threatened.”⁵² The weak collective bargaining strength of the labour movements is not only a consequence of political restraint but these controls are now requirements of the heavy reliance on export orientation (EOI) and the neo-liberal downsizing of the public sector all over the region.

Labour has had some success in campaigning against economic liberalization and privatization especially in the beginning of the 1980s in Thailand and the Philippines although the latter case compares more with Latin America where developmental sequencing resulted in a shift from corporatism to non-unionised labour markets. The 1997 financial crisis also acted as a catalyst for renewed attempts to increase social insurance programs and other benefits for workers and the poor. However, social coverage in the region is still well below the level predicted by the region’s better off countries GDP per capita, urbanization rate and development of the formal sector. Unemployment insurance is virtually absent.⁵³ The only country which differs from this is Malaysia where social coverage is broader and more diversified compared to the other countries, but this is not because of pressures from trade unions and NGOs but rather part of UMNOs strategy.

The reasons are well known according to the race-to-the-bottom thesis which indicates that global competition and especially competition from low-wage countries in China, Cambodia and Vietnam have led to the introduction of flexible labour markets, but without government investment in collective goods like training, R & D, physical infrastructure and social insurance. Lack of effective government support for minimal labour standards, adequate wages and benefits, and fair employment practices encourage companies to compete through labour-cost reduction and union avoidance.⁵⁴ Static flexibility ensures the existence of a floating workforce and labour market deregulation has in this way become a more effective policy than direct repression to avoid labour unrest and grievances regarding social welfare benefits from the public sphere.

Now briefly turning to the role of advocacy groups it is probably not a coincidence that until the September 11 incident US development aid has gone primarily to this sector. USAID’s main focus has been on advocacy NGOs, less

on other parts of civil society, such as religious organizations, labour unions, social and cultural groups, associations based on identity (such as clan or ethnic associations), or service delivery NGOs. Perhaps most insightfully, is USAID's uncritical romance with the "benevolent Tocquevillean vision" of civil society, as an idealized, inordinately American perspective that is not widely shared even in other Western democracies: a civil society characterized by "the earnest articulation of interests by legions of well-mannered activists who play by the rules, settle conflicts peacefully, and do not break any windows."⁵⁵

Examples are found all over the region especially in Thailand, Indonesia and the Philippines of those who advocate "greater public accountability and transparency in government who seek to eradicate official corruption and other obstacles to a modern, efficient capitalist economy."⁵⁶ Even business can benefit from the existence of advocacy groups since it at least indirectly legitimize their entry into politics. "...The structurally rooted elimination of labour from democratic politics under regimes of 'exclusionary democracy' has enhanced the usefulness to business of parliamentary institutions, thus creating a critical political base for those institutions."⁵⁷

The environmental NGOs in Southeast Asia have been greatly strengthened and been able to gain major victories in a number of important cases.⁵⁸ Together with rapid industrialization, competition for the rural resource base, and the decline in agrarian unrest the region has opened up spaces for political activity and expression among the 'hitherto excluded'.⁵⁹ During the past decades NGOs in Thailand have also been very active in political movements and was a major force together with workers in the opposition of the Suchinda military junta in 1992.⁶⁰ Institutional bases of environmentalism have multiplied and in Indonesia, Thailand, Malaysia and in the Philippines they have mushroomed and diversified in character.

The anti-large dam movements in Indonesia and Thailand have conducted fierce resistance together with national and international NGOs and local inhabitants in Kedungombo and the dams build or supposed to be constructed in the Mekong river delta. Resistance has been rooted in the soil of material struggles over the means of livelihood.⁶¹

CSOs along ethnic and religious lines have also emerged. As described in Hirsch and Warren examples are legion all over the region where loggers or the state in the name of 'nation-building' threatens the livelihoods of indigenous people. The Dayak forest-dwellers in Sarawak and in Mindanao, the Philippines are cases in point where the internationalization of civil societies has blossomed with INGOs direct intervention and collaboration with indigenous groups. This has also happened in Laos and Vietnam where it is the impact of INGOs which

have stimulated debate and public discourse over various contentious issues. In the Philippines basic Christian community movements seek to establish a self-sustaining economy based on local agriculture and supported by local industry, and in Thailand Buddhist-based movements both have established CSOs working for self-reliance and have had a direct influence on Thai politics.

A final aspect concerns the diasporic Chinese communities in Thailand, the Philippines, Malaysia and Indonesia have established Rotary and Lions clubs which are almost exclusively ethnic Chinese. Together with clan-associations they execute a tremendous influence on economic policy-making and in some cases they have determined the outcome of national elections.⁶²

The ideological underpinnings of broadening involvement ranges from notions of social justice to various middle class-based movements and in some cases, especially in Thailand, religious symbols and representations serve as a focal point not only for environmental NGOs but for many other groups as well.

Structure of the Legal Framework Legislation in East and Southeast Asia

As suggested in the previous section, governments have traditionally exerted strong legal controls over the establishment and oversight of NGOs in the region. Statist law is still the dominant mode of control and management of civil society. Managerial and regulated rules mean that actors in civil society are not autonomous but are both in and out of the state, “and therefore, it may be said that the state manages civil society. The key to understanding the emergence of this managerial civil society is seen in the vertical linkages between state and other civil actors.”⁶³ With the important exception of the Philippines the state has been able to exclude those who are considered unacceptable, but as illustrated above, a new type of socio-economic regulation has emerged where the state virtually delegates power and competence to NGOs and thus “producing an organizational hybrid of state and civil society.”⁶⁴

East and Southeast Asian regimes have been characterized by having “...their qualities of governance in common irrespective of motley constitutional characteristics. Whatever regime title, whatever the legal structures, whatever the voting arrangements if any, whatever citizen rights might be formally laid down, all have in practice functioned as exercises in ‘top down consensus’ by persuasion and/or imposition.”⁶⁵ In practice it means that the question about either co-optation or exclusion of CSOs by governments cannot be underestimated both historically and in the present period. In comparison, and in parallel with basically the same reasons, this is illustrated by the low level of organized labour unions which either have been excluded from policy-making

by the state as in Singapore, Malaysia, Indonesia and in Thailand or incorporated into the state and party realm in Vietnam, Laos, Cambodia, and Myanmar.⁶⁶ The situation in the Philippines differs from the rest of the region in the sense that legislation has been more liberal, especially after the ousting of the Marcos regime, and there has been more political space for autonomous action and organization.⁶⁷

The legal and fiscal environment in which labour and civil society thus operates varies greatly between countries in the region. In recent years, the governments of the Philippines and Thailand have moved toward creating a more supportive or in the latter case inclusionary environment. This means that in the Philippines CSOs in some instances have been able to influence public policy, partner with government in the implementation of development programs and design a system for the self-regulation of the sector. CSOs in Indonesia, Malaysia and Singapore, in comparison, have been subject to close supervision and guidance by the state. This has limited the scope of their actions.⁶⁸ Similar trends can be seen in Myanmar, where different dictatorships crushed the re-emergence of civil society in March 1988 where a spontaneous protest against perceived injustice erupted into a popular upsurge against authoritarianism during the next four months. The ban on independent unions and political organizations was breached and this was followed by a plethora of student unions, trade unions, associations, and class and mass organizations.⁶⁹ It ended in September with a military coup and a return to repression.

Today there are more than five hundred NGOs in Cambodia including six major human rights NGOs. They are responsible for dispersing more than 50 percent of technical assistance from external donors and have in many cases taken on quasi-government functions. It means that the borderline between what is state and public sector responsibilities and what is the prerogative of private institutions is at best blurred. One scholar notes that, "Civil society in Southeast Asia, serves the dual purpose of providing logic for resistance in the face of the onslaught of the state, or logic for coping in the face of its absence or neglect."⁷⁰ Also, at the regional institutional level there is scepticism toward civil society as can be seen by the lacking of reference to CSOs and institutions by ASEAN in its declarations and statements. Also the guidelines for achieving accreditation are limiting and the parameters for consultation and participation available to civil society are restricted.⁷¹ Again the Philippines tend to have an advanced approach as seen in the suggestion in 2000 of key civil society spokespersons suggestion to reinvigorate ASEAN with a social dimension. Whether this will lead to a more equal relationship at the regional level remains to be seen.

The weakness of CSOs in Laos and Vietnam is a function less of state repression and more because of the events that have enveloped the historical trajectories of these countries. The national project for consolidating society is now focused on rebuilding the polity and economy after years of war and violence. The state rebuilding policies in these countries have led to the adoption of reformist policies as well as the emerging important role of external donors. In Vietnam, civil society is re-emerging and while the state has attempted to limit its growth, there is evidence that it is not very successful. In Laos, there are strong community structures but no legal framework that enables the registration of CSOs.

In Burma and Laos INGOs are collaborating with local CSOs in poverty alleviation programs aimed at increasing food production and improving health and education. These organizations are also involved in strengthening the capacity of local organizations and micro-credit projects. No legislation exists and the relationship between development CSOs and the state is unclear.

This is further exacerbated, because the majority of CSOs in the region rely on external funding for their activities. The Prime Minister in Thailand has for instance tried to discourage foreign donors from funding civil society.⁷² This move was reportedly blocked by the Ministry of Foreign Affairs officials, and in the end the government did not attempt to dissuade foreign donors. Amnesty International is concerned that these government statements about NGOs could be construed as veiled threats against their legitimate peaceful activities.

On the other hand, as this section has suggested, a slight trend towards lessening of controls is occurring at least superficially, although occasionally CSOs are accused of 5th-column activities, sometimes with reference to their links with external forces which in many cases are determining their activities. There are very large numbers of CSOs in the Philippines, Thailand and especially Indonesia who lost their funding from US and Australian donor who shifted aid to terror related activities overnight and now fund conflict prevention, human security projects and the like.

Under section 88 of the Corporation Code of the Philippines, non-stock (not-for-profit) corporations may be formed. Although informal organizations exist, they do not have full legal status. A not-for-profit corporation is the only type of legal entity permitted for CSO in the Philippines.

Much of the legal framework for CSOs in Vietnam is in regulations or administrative practice and not in laws. The 1957 “Law on Association” and the later Civil Code (1996) regulate the sector with scant detail. The Civil Code recognizes three types of entities: social and socio-professional organizations;

social and charitable funds, and other organizations. In the main, these are closely connected with the Party or with mass organizations, such as the Vietnam Women's Association.

In Thailand, the National Police Office Bureau has responsibility for establishment and oversight of associations, and the Ministry of the Interior has responsibility for foundations under the Civil and Commercial Code established in 1992. One ministry - the Cultural Commission - oversees and approves the substantive activities of CSOs, and another agency - the Ministry of the Interior or the National Police Office Bureau - regulates all other aspects of their activity. At present, though, Thai NGOs are working with the government to devise a new and more appropriate set of regulations for the sector and various drafts have been prepared.

Throughout the region, governments retain the right to dissolve CSOs and foundations for vague and politically-determined reasons, such as “operating against the interests of the state” (Vietnam); “for being managed in a manner contrary to public order, good morals, or the security of the state” (Thailand); or “being used for purposes prejudicial to public peace, welfare, or good order” (Singapore).⁷³

This means that regulation of both associations and foundations has been highly subject to government discretion. In a recent survey, the major problems with the general legal framework for CSOs in Southeast Asia (except in the Philippines) are the following:⁷⁴

- Dual authority for establishment and oversight, which results in: a). excessive government control over which types of NGOs are permitted to exist (resulting in the virtual exclusion of advocacy organizations in many cases); and b). excessive bureaucracy for NGOs seeking to carry out their activities.
- Intrusive regulation and administrative discretion, which results in: a. arbitrary treatment of NGOs that seek to carry out activities that the government does not like; and b. lack of independence for NGOs.

Gradually, however, this situation is changing. The lack of a requirement for permission from a relevant ministry in the Yayasan law in Indonesia seems clearly preferable to a mandatory two-track system. In addition, the negotiations between government and NGO leaders in Thailand indicate that governments are beginning to listen to NGO representatives about the need for legal reform that will allow the sector to operate more freely.⁷⁵ This is though contradicted by several commentators who see ‘intellectuals’ close to the state who “‘eat’

oppositional forces by appropriating, influencing and developing potentially progressive ideas in order to sideline radical projects and reconstruct national ideology.”⁷⁶ Suddenly the term civil society is everywhere in government plans, journals of line-ministries and even in quasi NGOs which act more or less on behalf of the state. In tandem with the heavy involvement of the IMF and the World Bank in Thai planning and economic policy-making the state has changed its vocabulary and discourse by now officially relying on Good Governance including ‘People’s participation’ and social policy. Suddenly, CSOs have become instruments through which national development should be implemented through partnership and potential co-optation. This is essentially the anti-politics agenda where the IFIs and the Washington consensus appropriate discourses on participation, empowerment, social capital, and civil society and redefines them into their own discourse and interest. What we have seen in Thai policy-making is a spill-over effect of the anti-politics agenda by the establishment of a new social contract which initially was supported by progressives and labour. “The new social contract involves the protection of domestic capital by the government of the remaining rich, while delivering increased social protection to the poor.”⁷⁷ Some element of the contractual relationship between the new Thaksin government and the poor were housing projects, there were loans for the poor and the 30 baht health scheme to go to hospital if people were not covered by private insurance. It turned out to be very expensive to implement with the consequence that the government merged the scheme with other programmes such as the Worker’s Compensation and Social Security funds which led to major protests by workers.

The limited and circumscribed nature of civil society in East and Southeast Asia has meant that private law plays a less significant role than in Western Europe. The circumscribed role of private law has meant that law has been identified with the operation of public law and the consequence of that is “that law is associated with the extension and management of state power rather than providing a framework for private contractual relationships” i.e. a statist form of legalism.⁷⁸

Furthermore, the enabling environment for giving has improved in some countries in Southeast Asia in recent years, a culture of giving to organizations beyond religious institutions is little developed. What’s more, with tax avoidance still a problem in some countries, tax incentives do little to influence the decisions of the wealthy on their philanthropic contributions.

Popular sector groups are neither fully understood nor entirely trusted by the government and business sectors in Southeast Asia. There is a challenge as yet unmet by civil society to strengthen public understanding and acceptance of CSOs and their roles in society. In Indonesia, foundations are still figuring out

how best to position themselves given that the term *yayasan* became somewhat tainted in the public's eyes under the rule of Suharto, who, along with his family and cronies, has been accused of using foundations to launder money.⁷⁹

It appears that the liberal dictum of law and legalism requires a liberal state and an autonomous civil society which is on the defensive at the present time of writing.

Emerging social resistance for social reform

Some of the key findings of this paper are related to the new strategies of anti-politics originally developed by the Washington consensus in an attempt appropriate progressive concepts and sensitive political projects. The meaning of privatization of social policy management is to remove functions traditionally performed by the state, placing them in the private sphere. The World Bank and the IMF have co-opted the language of progressive civil society and locked it inside the neo-liberal discourse as a strategic move against the current which consist of relatively speaking vocal and powerful anti-globalization movement which many Southeast Asian civil society organizations identify with. On the other hand, the Asian financial crisis spelt the end of neo-liberal globalization and today the IFIs are under increased double pressure from both global and local civil society forces but also from the neo-conservative anti-multilateralist in the White House and in the Treasury.

At the moment this cleavage does not lead to significant increases in social welfare benefits in Southeast Asia. What might prove more important then are factors which have not been touched upon in this paper, for example changing demographics, changing gender perceptions and roles, social atomization of the family including more divorces and more individualism. All this means that the family or women to be more precise as the last resort social safety net is under retrenchment and rapidly being reconfigured to a new type of institution.⁸⁰

National social policy understood as a set of institutions and programs duly articulated by a strategic set of medium- and long-term social goals. On the political agenda, social policy is not as relevant as other public policies and is still being subordinated to the economic growth imperative. Reforms have only been initiated because of the pressure and conditionalities from the IFIs who acted on behalf of international capital's fear that social chaos and havoc would put their investment into jeopardy.

Although there are encouraging examples of victories won by CSOs especially in Thailand and the Philippines there is also considerable fragmentation of civil

society. Encouraged by the global restructuring of production which fragments a labour force, formerly unified through comprehensive collective bargaining and class consciousness the new demands of flexible production and labour markets have decreased the strength of workers. This has implicitly meant that CSOs in a number of situations either act on behalf of labour or collaborate with non-unionised workers or more informally with the established trade unions.

Finally, there is a tendency towards CSOs either taking over state and public sector responsibilities but always with a significantly lower budget or they might even act against the interests of those who support increases in collective goods and social redistribution. In any way they tend to deflect responsibility away from the state and as long as workers don't have any political representation in accordance with their class interests this might not be a sustainable strategy in the long run. The very act of defining themselves as 'non-governmental' explicitly rejects any ambition for establishing an alternative hegemonic project, which would, by its nature, have to include states and governments as the means through which political and economic power is articulated in modern societies.⁸¹

A weakening civil society also tends to alienate people from their political institutions. People lose confidence in politicians not only from evidence of widespread corruption and arrogance but also (and more specifically linked to the globalization effect) from a conviction that politicians do not understand and cannot resolve the major problems confronting their societies such as unemployment and decline of public services.⁸² The old civil society was formed in large part around interest groups like industrial and professional associations and trade unions, and also around co-operatives and charitable or self-help organizations. More recently, these older components of civil society have been diluted by a greater emphasis on 'identities' defined by religion, ethnicity, and gender, and also on 'locality' rather than wider political authorities. "The integration of the vast majority of countries of the world into a single economy represents at once the self-justifying reversion of capitalism to its own nature, and its intensifying penetration of the whole world. All the reasons for dismantling social security, for the neglect of welfare nets and for the further marginalisation of the poorest are now justified, not in the name of 'capitalism', but under the banner of 'integration', the institutionalising of a partnership in which the participants are profoundly unequal and destined to remain so."⁸³

Notes

- ¹ Draft paper for the workshop on the Political Economy of Southeast Asia in Kuala Lumpur, 29-30 October, 2004, co-organised by Rajah Rasiah IME, Malaysia and DIR, Aalborg University funded by the Danish Development Agency Danida, Ministry of Foreign Affairs. Revised version presented at the XXV Congreso De La Asociación Latinoamericana De Sociología, “Desarrollo, Crisis Y Democracia en America Latina: Participación, Movimientos Sociales Y Teoría Sociológica”, 22-26 August, 2005 in Porto Alegre, Brazil.
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E-mail: jds@ihis.aau.dk, website: <http://www.ihis.aau.dk/development>.
- ³ Quoted from “FEER, Asia’s Welfare. Learning from the West’s forgotten values”, *Editorial*, June 23, 1994, p. 5.
- ⁴ Fareed Zakaria, “Bigger than the Family and Smaller than the State: Are Voluntary Groups What Makes Countries Work?”, *New York Times Book Review*, Aug. 1995.
- ⁵ See Pierre Bourdieu and Loïc Wacquant, “Neoliberal Newspeak: Notes on the new planetary vulgate”, *Radical Philosophy*, 105, January 2001, pp. 2-5; Jacques Hersh, “Oldspeak/New-speak of (Neo)Liberalism on Development”, *The Interdisciplinary Journal of International Studies*, vol. 2, no. 1, 2004, pp. 3-19 (also available at <http://www.ijis.auc.dk/>).
- ⁶ There were other factors not least the dissolution of the Soviet system itself by its own creator the Communist Party and also the end of the Cold War which had a spill-over effect on regime change which cannot be underestimated.
- ⁷ See also Omar G. Encarnaci, “Beyond Civil Society: Promoting Democracy after September”, *Orbis*, The Foreign Policy Research Institutes quarterly journal of world affairs, Washington, Fall, vol. 47, no. 4, 2003.
- ⁸ According to Human Rights organizations and Amnesty International, the Thaksin regime has ordered the police and military to crackdown on criminal elements in Thai society. This has so far left more than 2500 people killed by gunpoint and 50.000 have been arrested, and the atrocities continue in the Southern provinces against Muslim resistance with hundreds killed and more wounded. Observers claim that several political activists have been killed or jailed and Pradit Chareonthaitawee, the head of Thailand’s official human rights commission, received death threats after saying, “People are living in fear all over the kingdom.”
- ⁹ Asia is also the only region in the world without a regional charter for human rights or other regional arrangements for the protection of rights and freedoms.
- ¹⁰ For some of the arguments presented by prominent advocates for Asian values see Kishore Mahbubani, “The Pacific Way”, *Foreign Affairs* 74, no. 1, (Jan/Feb 1995); Lee Kuan Yew, “Culture is Destiny”, *Foreign Affairs* 73, no. 2, (Mar/Apr 1994); Goh Chok Tong, “Social Values, Singapore Style”, *Current History*, December 1994.

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- ¹¹ Dr Mahathir Mohamad who at the 29th International General Meeting of the Pacific Basin Economic Council in Washington, delivered a paper and a speech on “The Asian Values Debate”.
- See:
<http://blisdemo.bernama.com/article.phtml?SN=0e273ec6447607fbf8650ea2f365c258&s=10&p=2159>.
- ¹² Filipino president Arroyo, and President Megawati also claimed the existence of such networks, and, they therefore formed a committee tasked with the activation of a 1997 bilateral defence and security accord to address arms smuggling. Megawati, in her turn, lamented the infiltration of Malaysian Muslim militants in Indonesia with the objective of causing political destabilization. Those elements were blamed, among others, for the series of bombings in the capital around the end of 2000. Mahathir subsequently clamped down on the culprits.
- See Marco Mezzera, *In the Name of Terror*:
<http://www.focusweb.org/publications/2002/in-the-name-of-terror.htm>.
- ¹³ See Amartya Sen, “Human Rights and Asian Values”, *The New Republic*, July 14-July 21, 1997. See also the special issue of *The Pacific Review* i.e. Robison, Richard, “The politics of Asian Values”, *The Pacific Review*, vol. 9, no. 3, Routledge 1999; Rodan, Garry, “The internationalisation of ideological conflict: Asia’s new significance”, *The Pacific Review*, vol. 9, no. 3, Routledge 1999.
- ¹⁴ See for instance, Geoffrey Underhill, “Conceptualizing the Changing Global Order”; and Robert Cox, “Political Economy and the World Order: Problems of Power and Knowledge at the Turn of the Millennium”, both in Richard Stubbs and Geoffrey Underhill (eds.) *Political Economy and the Changing Global Order*, Oxford University Press, Ontario, 2000; and Johannes Dragsbaek Schmidt and Jacques Hersh, *Globalization and Social Change*, Routledge, London, 2000.
- ¹⁵ Karl Polanyi, *The Great Transformation*, Beacon Press, Boston, 1944. Cf. Susan Strange, “World Order, Non-State Actors, and the Global Casino: The Retreat of the State”, in Richard Stubbs and Geoffrey Underhill (eds.) *Political Economy and the Changing Global Order*, Oxford University Press, Ontario, 2000, p. 82.
- ¹⁶ Karl Marx, *Individual Freedom in Capitalist Society, Grundrisse*, 1970 edition, Cf. Stephen Gills, “Knowledge, Politics, and Neo-Liberal Economy State”, in Richard Stubbs and Geoffrey Underhill (eds.) *Political Economy and the Changing Global Order*, Oxford University Press, Ontario, 2000, p. 52.
- ¹⁷ Note that in this paper I use the terms NGOs, CSOs and popular sector groups interchangeably.
- ¹⁸ See the discussion in Robert Hunter Wade, “US Hegemony and the World Bank: The fight over people and ideas”, *RIPE*, vol. 9, no. 2, Summer 2002.
- ¹⁹ See for instance Nicos Mouzelis, “Modernity, Late Development and Civil Society”, in J. A. Hall (ed.) *Civil Society. Theory, History, Comparison*, Cambridge: Polity Press, 1995; Nicos Mouzelis, “The State in Late Development: Historical and Comparative

Perspectives,” in Booth, D. (ed.) *Rethinking Social Development. Theory, Research & Practice*, Essex: Longman, 1994; Robert Fine and Shirin Rai (eds.), *Civil Society. Democratic perspectives*, Franc Cass, London, 1997.

- ²⁰ Omar G. Encarnaci, “Beyond Civil Society: Promoting Democracy after September”, *Orbis*, The Foreign Policy Research Institutes quarterly journal of world affairs, Washington, Fall, vol. 47, no. 4, 2003.
- ²¹ Goran Hyden, “Civil Society, Social Capital, and Development: Dissection of a Complex Discourse”, *Studies in Comparative International Development*, vol. 32, no. 1, Spring 1997, pp. 8-13.
- ²² Alfred Stepan (1988), *Rethinking Military Politics: Brazil and the Southern Cone*, Princeton, NJ: Princeton University Press, pp. 3-4.
- ²³ Andrew S. Levin, “Civil Society and Democratization in Haiti”, *Emory International Law Review*, vol. 9, Fall 1995, Number 2.
- ²⁴ See the excellent discussion by Anthony Judge, “Presentation to a World Bank workshop on Civil Society in the FSU and East/Central Europe” (Washington, 16th October 1996). Published in *Transnational Associations*, 49, 1997, 3, pp 124-132.
- ²⁵ In Indonesia for instance after the overthrow of Suharto, see Baogang He, “Transnational Civil Society and the National Identity in East Asia”, *Global Governance*, vol. 10, no. 2, April-June 2004, p. 241.
- ²⁶ Marites Sison, “Filipinos jolted as ‘people power’ bites back”, *Asia Times*, May 4, 2001.
- ²⁷ Also the discussion in Ben Fine, “The Social Capital of the World Bank”, in Ben Fine, Costas Lapavistas and Jonathan Pincus (eds.) *Development Policy in the Twenty-first Century*, London: Routledge, 2001, pp. 136-154.
- ²⁸ The following relies on Johannes Dragsbaek Schmidt, “Globalization, Democratization and Labour Social Welfare in Thailand”, in Schmidt, J. D. and Hersh, J. (eds.) *Globalization and Social Change*, London & New York: Routledge, 2000, pp. 158-177.
- ²⁹ Marshall Wolfe UNRISD -PPP. Quoted from *Assignment Children*, No.59/60-1982, UNICEF, Geneva.
- ³⁰ David Held, “Models of Democracy”, *Polity Press*, Basil Blackwell, Cambridge, UK, 1987, p. 4.
- ³¹ Laurence Whitehead, “Bowling in the Bronx: The Uncivil Interstices between Civil and Political Society”, in Robert Fine and Shirin Rai (eds.), *Civil Society. Democratic perspectives*, London: Franc Cass, 1997, p. 95.
- ³² Understood as the way they define civil society, First published in Social Register 1994 in, Hewison, K. and Rodan, G. (1994) *The Decline of the Left in South East Asia, Socialist Register 1994*, Ralph Milliband and Leo Panitch (eds.), London: Merlin Press. and later Kewin Hewison and Garry Rodan, “The Ebb and Flow of Civil Society and the decline of

the Left in Southeast Asia”, in Garry Rodan (ed.) *Political Oppositions in Industrialising Asia*, Routledge, 1996, p. 236.

- ³³ Kanishka Jayasuriya and Kevin Hewison, *The Anti-Politics of Good Governance: From Global Social Policy to a Global Populism?*, Working paper 59, Southeast Asia Research Centre, Hong Kong, January 2004, pp. 1-2 and 9.
- ³⁴ See also the discussion in Alison Van Roy and Mark Robinson, “Out of Ivory Tower: Civil Society and the Aid System”, in Alison Roy (ed.) *Civil Society and the Aid Industry*, London: Earthscan, 1998, pp. 41-41.
- ³⁵ Garry Rodan, “Theorising political opposition in East and Southeast Asia”, in Garry Rodan (ed.) *Political Oppositions in Industrialising Asia*, London: Routledge, 1996, p. 22.
- ³⁶ Implicitly it means that it is not possible to cover all countries in the region in a paper of this size.
- ³⁷ The World Bank notes that income inequality usually decreases as poverty rates fall. It said Malaysia was one of the few countries in East Asia where inequality fell over the past few decades, but where, despite the long-term reduction in poverty rates, the trend has reversed itself since 1990. “Overall, Malaysia remains among the most unequal countries in East Asia”. Cf Chee Yoke Heong, “Anti-poverty Moves. Old wine, new bottles”, *Asia Times*, May 27, 2004.
- ³⁸ Philip Hirsch and Carol Warren, “Introduction: Through the environmental looking glass”, in Philip Hirsch and Crol Warren (eds.) *The Politics of Environment in Southeast Asia. Resources and resistance*, London: Routledge, 1998, p. 19. Also the introduction in Jane Hutchison and Andrew Brown (eds.) *Organising Labour in Globalising Asia*, London: Routledge, 2001, p. 13.
- ³⁹ Victor T. King, “Sociology”, in Mohammed Halib and Tim Huxley (eds.) *An Introduction to Southeast Asian Studies*, London: Tauris Academic Studies, I.B. Tauris Publishers, 1996, p. 148.
- ⁴⁰ John G. Taylor and Andrew Turton (eds.), *Southeast Asia*, ‘Sociology of Developing Societies’ series, Basingstoke and London: Macmillan, 1988.
- ⁴¹ Higgott, R. and Richard Robison (eds.), *Southeast Asia. Essays in the Political Economy of Structural Change*, London: Routledge and Kegan Paul, 1985.
- ⁴² Ruth McVey, “Change and Continuity in Southeast Asian Studies”, *Journal of Southeast Asian Studies* 26, 1 (march 1995), University of Singapore, p. 7. McVey notes that it is not difficult to understand why scholars as well as bureaucrats feel that the most important task of academia is “to fill in the blanks rather than to test the framework. As a result much scholarship on the area has aimed at providing solid workaday studies but not theoretical innovations, new ways of looking.” Ibid p. 3.
- ⁴³ Ruth McVey, “Change and Continuity in Southeast Asian Studies”, *Journal of Southeast Asian Studies* 26, 1 (march 1995), University of Singapore, p. 37.
- ⁴⁴ Hewison and Rodan, op cit. pp. 253.

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- ⁴⁵ Frederic Deyo, "Reform, Globalization and Crisis: Reconstructing Thai Labor", *Journal of Industrial Relations*, vol. 42, no. 2, 2000; Frederic Deyo, "Labour and Industrial Restructuring in South-East Asia", in Garry Rodan, Kevin Hewison and Richard Robison (eds.) *The Political Economy of South-East Asia*, Oxford: Oxford University Press, 1997; For another attempt in the Thai context see Johannes Dragsbaek Schmidt, "Paternalism and Planning in Thailand: Facilitating growth without social benefits", in Michael Parnwell (ed.), *Uneven Development in Thailand*, Avebury, Ashgate publ., Aldershot, England, 1996, pp. 63-81.
- ⁴⁶ Frederic Deyo, "Labour and Industrial Restructuring in South-East Asia", in Garry Rodan, Kevin Hewison and Richard Robison (eds.) *The Political Economy of South-East Asia*, Oxford: Oxford University Press, 1997, pp.207-208.
- ⁴⁷ For this and the following see the introduction and various chapters in Jane Hutchson and Andrew Brown (eds.) *Organising Labour in Globalising Asia*, London: Routledge, 2001, p. 14.
- ⁴⁸ Hewison and Rodan, op. cit. pp. 256.
- ⁴⁹ Frederic Deyo, "Reform, Globalization and Crisis: Reconstructing Thai Labor", *Journal of Industrial Relations*, vol. 42, no. 2, 2000, p.6.
- ⁵⁰ Andrew Brown, "After the Kader Fire", in Jane Hutchson and Andrew Brown (eds.) *Organising Labour in Globalising Asia*, London: Routledge, 2001, pp. 132-133.
- ⁵¹ Rajah Rasiah, "Labour and work organisation in Malaysia", in Jane Hutchson and Andrew Brown (eds.) *Organising Labour in Globalising Asia*, London: Routledge, 2001, pp. 95 and 104.
- ⁵² Hewison and Rodan, op cit. pp. 255.
- ⁵³ Giovanni Andrea Cornia, "Social Funds in Stabilization and Adjustment Programmes: A Critique", *Development and Change*, vol. 32, 2001, p. 3.
- ⁵⁴ Again Singapore and Malaysia are the exceptions. See Frederic Deyo, "Labour and Industrial Restructuring in South-East Asia", in Garry Rodan, Kevin Hewison and Richard Robison (eds.) *The Political Economy of South-East Asia*, Oxford: Oxford University Press, 1997, pp. 215.
- ⁵⁵ Thomas Carothers, "Aiding Democracy Abroad: The Learning Curve (Washington: Carnegie Endowment for International Peace", 1999, quoted from Barnett, T. F. Baron, "The Legal Framework for Civil Society in East and Southeast Asia", *The International Journal for Not-For-Profit-Law*, vol. 5, issue 4, July 2002.
- ⁵⁶ Garry Rodan, "Theorising political opposition in East and Southeast Asia", in Garry Rodan (ed.) *Political Oppositions in Industrialising Asia*, Routledge, London, 1996, p. 7.
- ⁵⁷ Frederic Deyo, "Labour and Industrial Restructuring in South-East Asia", in Garry Rodan, Kevin Hewison and Richard Robison (eds.) *The Political Economy of South-East Asia*, Oxford University Press, Oxford, 1997, pp. 221.

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- ⁵⁸ Michael Mitchell, "The Political Economy of Mekong Basin development", in Philip Hirsch and Carol Warren (eds.) *The Politics of Environment in Southeast Asia. Resources and resistance*, Routledge, London, 1998, p. 84.
- ⁵⁹ Andrew Turton, *Production, Power, and Participation in Rural Thailand: Experiences of Poor Farmers Groups*, UNRISD, Geneva, 1987.
- ⁶⁰ Amara Pongsapich and Nitaya Kataleeradabhan, *Thailand Nonprofit Sector and Social Development*, CUSRI, Chulalongkorn University, Bangkok, 1997, p. 173; see also Johannes Dragsbaek Schmidt, "Globalization, Democratization and Labour Social Welfare in Thailand", in Johannes Dragsbaek Schmidt and Jacques Hersh (eds.) *Globalization and Social Change*, London & New York: Routledge, 2000, pp. 158-177.
- ⁶¹ See the chapters in Philip Hirsch and Carol Warren (eds.) *The Politics of Environment in Southeast Asia. Resources and resistance*, Routledge, London, 1998.
- ⁶² William A. Callahan, "Beyond Cosmopolitanism and Nationalism: Diasporic Chinese and Neo-Nationalism in China and Thailand", *International Organization*, vol. 57, Summer 2003, pp.502-503, and 506.
- ⁶³ Kanishkan Jayasuriya, "Introduction", in Kanishkan Jayasuriya, *Law, Capitalism and Power in Asia*, Routledge, London, 1999, p. 18.
- ⁶⁴ Gordon White, "The Dynamics of Civil Society in Post-Mao China", in B. Hook (ed.) *The Individual and the State in China*, Clarendon Press, Oxford. Cf. Kanishkan Jayasuriya, "Introduction", in Kanishkan Jayasuriya, *Law, Capitalism and Power in Asia*, Routledge, London, 1999, p. 18.
- ⁶⁵ Catherine Jones (ed.), *New Perspectives on the Welfare State in Europe*, Routledge, London, 1993, p. 203.
- ⁶⁶ For a more general discussion about these strategies in East Asia see, Stephen Frenkel (ed.), *Organized Labor in the Asia-Pacific Region*, ILR Press, Ithaca, New York, pp. 310-320.
- ⁶⁷ Jane Hutchison, "Export Opportunities. Unions in the Philippine garments industry", in Jane Hutchison and Andrew Brown (eds.) *Organising Labour in Globalising Asia*, Routledge, London, 2001, pp. 71-89.
- ⁶⁸ David Winder, *Civil Society Resource Organizations (CSROs) and Development in Southeast Asia*, <http://www.synergos.org/globalphilanthropy/98/csrosinasia.htm>.
- ⁶⁹ Tin Maung Maung Than, "Myanmar Democratization. Punctuated Equilibrium or Retrograde Motion?", in Anek Laothamatas (ed.) *Democratization in Southeast and East Asia*, ISEAS, Singapore, 1997, p. 185.
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